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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/643,213	08/18/2003	Fang-Chen Cheng	CHENG 7-14 2100.001400	4026

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WILLIAMS, MORGAN & AMERSON  
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HOUSTON, TX 77042

EXAMINER
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NGUYEN, TUAN HOANG

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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02/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/643,213	<b>Applicant(s)</b> CHENG ET AL.	
	<b>Examiner</b> Tuan H. Nguyen	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 2,4-9 and 11-22 is/are pending in the application.
- 4a) Of the above claim(s) 1, 3, and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4-9 and 11-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/28/2007 has been entered.
2. Claims 1, 3, and 10 canceled.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 2, 9, and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Sher et al. (US PUB. 2004/0010623 hereinafter, "Sher").

Consider claims 2, 9, and 16, Sher teaches a method for controlling a flow of information, comprising: receiving, at a base station, at least two signals from at least two user equipment, each signal requesting to transmit information from the corresponding user equipment to the base station (page 4 [0044]); determining at least one relative delay between signals transmitted by at least two user equipment (pages 3 and 4 [0039-0040]); determining a time at which the information is permitted to be transmitted by each of at least two user equipment based on the relative delay (pages 3 and 4 [0039-0040]); transmitting signals to each of at least two user equipment each signal identifying the time at which information is permitted to be transmitted from the corresponding user equipment to the base station (page 3 [0031]); and transmitting a synchronizing signal, and wherein transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted (page 3 [0034-0037]).

Consider claim 17, Sher teaches a method for controlling the flow of information between a user and a base station, comprising: transmitting a signal from the user requesting permission from the base station to transmit information (page 4 [0044]); determining at least one relative delay between signals transmitted to the base station by the user and at least one other user (pages 3 and 4 [0039-0040]); determining a time at which the user is to transmit the information to the base station, wherein the determined time is a function of the relative delay (pages 3 and 4 [0039-0040]); transmitting a signal to the user identifying the time at which information is permitted to be transmitted (page 3 [0034-0037]); transmitting a synchronizing signal, and wherein transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted (page 3 [0034-0037]); and transmitting the information from the user to the base station at the identified time (page 3 [0031]).

Consider claim 18, Sher further teaches receiving the information from the user at a first preselected time (pages 3 and 4 [0039-0040]); comparing the first preselected time with the identified time to determine the relative delay between the user and at least one other user (pages 3 and 4 [0039-0040]).

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Consider claim 19, She teaches a method for controlling the flow of information between a user and a base station, comprising: receiving, at the user, a synchronizing signal from the base station (page 3 [0034-0037]); transmitting a signal from the user requesting permission from the base station to transmit information (page 4 [0044]); receiving a signal from the base station identifying a time relative to the synchronizing signal at which information is to be transmitted (page 5 [0051]); the time being determined based on a relative delay between signals transmitted to the base station by the user and at least one other user (page 3 [0034-0037]); and transmitting the information from the user to the base station at the identified time (page 3 [0031]).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4, 8, 11-12, and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sher in view of Leatherbury et al. (U.S. PUB. 2002/0136231 hereinafter, "Leatherbury").

Consider claims 4 and 11, Sher teaches a method for controlling a flow of information, comprising: receiving, at a base station, at least two signals from at least two user equipment, each signal requesting to transmit information from the corresponding user equipment to the base station; determining at least one relative delay between signals transmitted by at least two user equipment; determining a time at which the information is permitted to be transmitted by each of at least two user equipment based on the relative delay; transmitting signals to each of at least two user equipment each signal identifying the time at which information is permitted to be transmitted from the corresponding user equipment to the base station; and transmitting a synchronizing signal, and wherein transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted.

Sher does not explicitly show that transmitting the signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted further comprises transmitting over a shared channel the signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted.

In the same field of endeavor, Leatherbury teaches transmitting the signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted further comprises transmitting over a shared channel the signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted (page 1 [0008] and page 2 [0011]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, transmitting the signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted further comprises transmitting over a shared channel the signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted, as taught by Leatherbury, in order to provide distributing information via existing and future communication networks that meets the increasing demand for broadband content.

Consider claim 8, Leatherbury further teaches receiving the information at a first preselected time (page 2 [0016]); comparing the first preselected time with the identified time to determine the delay associated with the request to transmit information (page 3 [0018]).

Consider claim 12, Leatherbury further teaches a plurality of users, and wherein: transmitting the synchronizing signal further comprises transmitting the synchronizing signal over a shared channel to each of the plurality of users (page 1 [0008] and page 2 [0011]); and transmitting the signal identifying the time as a function of the synchronizing signal at which information is to be transmitted further comprises transmitting over the shared channel to the plurality of users a signal identifying a unique time, as a function of the synchronizing signal, at which information is to be transmitted (page 1 [0008] and page 2 [0011]).



Consider claim 20, Leatherbury further teaches receiving a signal from the base station identifying the time at which information is to be transmitted further comprises receiving a signal from the base station identifying a substantially unique time at which information is to be transmitted (page 11 [0072]).

Consider claim 21, Leatherbury further teaches receiving a signal from the base station identifying the time at which information is to be transmitted further comprises receiving a signal from the base station identifying a substantially unique frame associated with the synchronizing signal during which information is to be transmitted (page 11 [0074]).

Consider claim 22, Leatherbury further teaches receiving a synchronizing signal from the base station further comprises receiving a synchronizing signal from the base station over a shared channel (page 1 [0008] and page 2 [0011]).

7. Claims 5-7 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sher in view of Dutta (US PAT. 6,587,443).

Consider claims 5 and 13, Sher teaches a method for controlling a flow of information, comprising: receiving, at a base station, at least two signals from at least two user equipment, each signal requesting to transmit information from the

corresponding user equipment to the base station; determining at least one relative delay between signals transmitted by at least two user equipment; determining a time at which the information is permitted to be transmitted by each of at least two user equipment based on the relative delay; transmitting signals to each of at least two user equipment each signal identifying the time at which information is permitted to be transmitted from the corresponding user equipment to the base station; and transmitting a synchronizing signal, and wherein transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying the time as a function of the synchronizing signal at which information is permitted to be transmitted.

Sher does not explicitly show that transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying a frame in which information is to be transmitted.

In the same field of endeavor, Leatherbury teaches transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying a frame in which information is to be transmitted (col. 14 lines 32-60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use, transmitting a signal identifying the time at which information is to be transmitted further comprises transmitting a signal identifying a frame in which information is to be transmitted, as taught by Leatherbury, in order to distribute signalling and messaging activities over all return channels of a channel

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group, by varying forward to return channel data rate ratios, and by reducing message transport delays with respect to prior art communication systems, based on message traffic over such channel group.

Consider claims 6 and 14, Dutta further teaches determining at least one relative delay between signals transmitted by at least two user equipment further comprises determining a propagation delay between signals transmitted by at least two user equipment (col. 12 lines 7-19).

Consider claims 7 and 15, Dutta further teaches determining at least one relative delay between signals transmitted by at least two user equipment further comprises determining a processing delay between signals transmitted by at least two user equipment (fig. 7 col. 22 lines 32-58).

### ***Conclusion***

8. Any response to this action should be mailed to:

Mail Stop\_\_\_\_\_ (Explanation, e.g., Amendment or After-final, etc.)

Commissioner for Patents

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Alexandria, VA 22313-1450

Facsimile responses should be faxed to:

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(571) 273-8300

Hand-delivered responses should be brought to:

Customer Service Window

Randolph Building

401 Dulany Street

Alexandria, VA 22313

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Nguyen whose telephone number is (571)272-8329. The examiner can normally be reached on 8:00Am - 5:00Pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Maung Nay A. can be reached on (571)272-7882882. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Tuan Nguyen  
Examiner  
Art Unit 2618

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**